



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590



REPLY TO THE ATTENTION OF

VIA FACSIMILE (847) 279-2510 AND U.S. MAIL

Mr. Steve Kornder
STS Consultants, Ltd.
750 Corporate Woods Parkway
Vernon Hills, Illinois 60061

RE: Lakeshore East, 221 North Columbus Drive, Chicago, Illinois
Lindsay Light II Site/OU5
Construction Financing Lender's Document

Dear Mr. Kornder:

In order to satisfy its construction financing lender's documentation requirements, Lakeshore East, LLC ("LSE") has requested that U.S. EPA provide a written "clearance" of the radiological removal action conducted at the Lakeshore East site prior to LSE's submission of its final completion report and prior to EPA issuing its closure letter. This letter explains that based on the information currently provided by LSE with the exceptions noted, that LSE has removed all identified radioactively contaminated materials to below the cleanup threshold specified by U.S. EPA, and that no further radiological surveys or removals are required in those areas documented to be below the cleanup threshold. (See attached reference map). U.S. EPA reserves its right to render a different decision, upon final review of the completion report, as to whether additional radiological surveys or removals are necessary.

LSE has provided information that indicates LSE has completed removal of radioactively contaminated material at the Lakeshore East Development site, at 221 North Columbus Drive, Chicago, Illinois, in accordance with the Work Plan for Investigation and Removal of Radiologically Impacted Soil, Lakeshore East LLC, dated June 24, 2002, revised September 13, 2002, final revision dated September 30, 2002, and approved by U.S. EPA on correspondence dated September 20, 2002 ("Work Plan"). LSE has not yet provided a completion report as required by the approved Work Plan. U.S. EPA expects that it will be forthcoming and that the report will explain in detail all work completed. U.S. EPA can issue a completion letter only after receipt and review of LSE's final completion report.

The removal actions followed a Phase I investigation, and consisted of two additional phases of work. Phase II consisted of removing radioactively contaminated material that LSE identified in the Phase I series of surface radiological surveys and down-hole exploration surveys, as well as those areas identified by U.S. EPA. U.S. EPA performed verification surveys and sampling at

those locations where radioactively contaminated materials were removed and confirmed that LSE removed all materials to below the specified cleanup threshold of 7.1 pCi/g total radium.

There are portions of the site, however, that were not radiologically surveyed and other portions adjacent to the Site where radioactive contamination was identified but it was left in place. Those areas described below include the former boat Slips C, D and E as depicted in historical Sanborn Fire Insurance maps dated 1906 ("boat Slips"), Parcel O and Parcel P, a seasonally ponded area in the center of the site and the golf course lake. (See attached reference map).

The Phase III work consisted of gamma surveys of fill soil above the approximate elevation of the ground surface at the site in the year 1900 (6 feet City of Chicago Datum), except for the portions of the site formerly occupied by the boat Slips, Parcels O and P, the seasonally-ponded area and the golf course lake. LSE conducted excavation of soil in 18-inch lifts and subsequent gamma surveys to confirm that no radioactively contaminated material remained in those fill soils. LSE removed impacted materials encountered during Phase III to at least the 7.1 pCi/g total radium cleanup standard. U.S. EPA surveyed and took verification samples in the excavation locations to confirm that the identified removal activities were complete.

As stated above, the determination that all radioactively contaminated material has been removed does not apply to the portions of the site formerly occupied by the boat Slips, Parcel O and Parcel P, the seasonally ponded area and the golf course lake. (See attached map). With respect to the former boat Slips, LSE's investigation of those locations was limited to surface gamma surveys in the Phase I work, that explored approximately the upper 18 inches of soil and a 10-meter grid boring program consisting of 271 borings to 12 feet deep with down-hole gamma logging. Where LSE detected radioactive contamination at the surface in boat slips D and E, it removed that material to the cleanup threshold specified by U.S. EPA. Radiation surveys must be conducted in accordance with the Work Plan in boat Slips C, D, and E each time an excavation exceeding 18 inches in depth is planned or any other construction or development activities are proposed that may expose these soils. This requirement to conduct the radiation surveys in the Slip areas must be memorialized as an institutional control. The institutional control must run with the land for as long as the soils in the Slip areas remain uncharacterized.

With respect to Parcels O and P, LSE has requested that these Parcels be excluded from the Work Plan. While U.S. EPA agrees to do so, LSE is under a continuing obligation to conduct radiation surveys anytime excavation is planned or any other construction or development activities are proposed that may expose these soils.

With respect to the seasonally ponded area and the golf course lake, LSE has explained that it did not radiologically investigate the ponded area because it was below the elevation of the ground surface in the year 1900 and the lake has not been drained so it is impractical to survey. It is U.S. EPA's understanding, however, that as part of the development, eventually the ponded area and lake will be drained and filled. Given the lack of information available regarding the condition

of the material in these two areas, they remain subject to additional surveillance and removal restrictions as required by the Work Plan.

Additionally, during the site investigation and removal activities, LSE identified a radioactively-contaminated area remaining beneath the adjacent Harbor Drive sidewalk which is located along the southeast boundary of the LSE property. That property belongs to the City of Chicago. As long as this contaminated area remains undisturbed and covered by the sidewalk, it does not pose a threat to public health or the environment. However, as the property undergoes development and utilities and other improvements may be installed in the sidewalk right-of-way, the contaminated area must be properly managed to prevent workers or the public from exposure to the remaining radioactive material during future construction or utility installation, replacement or repair work.

To further ensure that radiation surveillance is timely conducted and any remaining radioactive contamination in the boat Slips, Parcels O and P, the seasonally ponded area, the golf course lake, and the adjacent Harbor Drive sidewalk is properly managed, U.S. EPA requests that LSE or any subsequent purchaser, including but not limited to contractors, subcontractors, utilities providing service or improvements to the property, conducts any subsurface work in any of the areas described above, then LSE or any subsequent purchaser shall give U.S. EPA prior notice of the subsurface work and shall perform or ensure the performance of radiation surveillance and the proper management and disposal of any radioactively-impacted material encountered during such work.

Any fill soils imported to the site as part of the site development must be radiologically surveyed. *Standard Operating Procedure (SOP 214) included in the approved Work Plan must be utilized.* Material imported to the site must be at or below the cleanup standard used for the project (7.1 pCi/g).

Please contact me at (312) 886-5123 or Cathleen Martwick, Associate Regional Counsel at (312) 886-7166 if you have any questions concerning this letter.

Sincerely,

Fredrick A. Micke

Fredrick A. Micke, P.E.
On-Scene Coordinator

Enclosure

cc: Naren Prasad, City of Chicago (w/encl.)
Mark Krippel, Kerr McGee (w/encl.)
Neena Hemmady, Commonwealth Edison (w/encl.)

bcc: Mary Fulghum, C-14J
Cathleen Martwick, C-14J
Verneta Simon, SE-5J
Debbie Regel, SE-5J
Linda Nachowicz, SE-5J